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CURTIS HILL

RECEIVED

JUN 13 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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FILED

JUN 14 2005

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

PAUL CASAREZ,

Plaintiffs,

vs.

COUNTY OF SAN BENITO AND
SHERIFF CURTIS HILL,

Defendants.

Case No. C04-03658 HRL

**STIPULATION AND ORDER PERMITTING
MEDICAL EXAMINATION UNDER FRCP 35**

Magistrate Judge Howard R. Lloyd

IT IS HEREBY STIPULATED by and through counsel for plaintiff and defendants that plaintiff PAUL CASAREZ agrees to submit to a physical examination under Federal Rule of Civil Procedure 35. The medical examination will occur June 21, 2005 at 4:30 p.m. at the office of Dr. David Burton (board certified orthopedist) at 123 DiSalvo, Suite C, San Jose, California.

Defendant agrees to limit the scope of the examination to whatever conditions plaintiff has put in controversy in this action.

The parties also agree to stipulate that the "good cause" requirement is shown in that the plaintiff has placed his physical condition in controversy and is claiming continuing and

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1 ongoing physical injuries as a result of the acts of the defendants giving rise to this
2 lawsuit.

3 Dated: May 17, 2005

LAW OFFICES OF MICHAEL E. ADAMS

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6 By: 

MICHAEL E. ADAMS
Attorney for Plaintiff

7
8 Dated: May 17, 2005

RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK

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10
11 By: 

MICHAEL C. SERVERIAN
Attorneys for Defendants

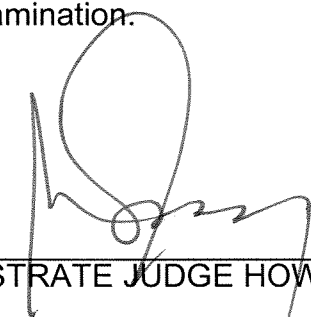
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13 **ORDER**

14 GOOD CAUSE APPEARING, IT IS ORDERED that plaintiff Paul Casarez submit to
15 FRCP 35 physical examination on June 21, 2005 with Dr. David Burton at 123 DiSalvo,
16 Suite C, San Jose, California. Dr. Burton is a board certified orthopedist.

17 IT IS FURTHER ORDERED that Dr. Burton may ask the plaintiff such questions as
18 are necessary to reach an opinion about the person's medical condition and the cause of
19 the alleged injury.

20 The rules of FRCP 35 will apply to this examination.

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23 DATED: 


24 MAGISTRATE JUDGE HOWARD R. LLOYD